

#### **401 KAR 47:095. Environmental remediation fee.**

RELATES TO: KRS 224.01-010, 224.43-500, 224.43-505

STATUTORY AUTHORITY: KRS 224.10-100, 224.43-500, 224.43-505

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(24) authorizes the Natural Resources and Environmental Protection Cabinet to promulgate administrative regulations for waste planning and management. KRS 224.43-500(3) requires the cabinet to promulgate administrative regulations adopting a conversion formula to allow assessment of the environmental remediation fee by transfer stations that do not have scales. KRS 224.43-505(2) authorizes the cabinet to promulgate administrative regulations to administer the Kentucky Pride Fund. This administrative regulation governs the environmental remediation fee established by KRS 224.43-500.

Section 1. Remittance of the Environmental Remediation Fee by Municipal Solid Waste Disposal Facilities. (1) The owner or operator of a municipal solid waste disposal facility shall remit to the Kentucky Pride Fund an environmental remediation fee equivalent to one (1) dollar and seventy-five (75) cents per ton of waste disposed at the facility.

(2) If a less than one (1) acre construction/demolition debris landfill does not have adequate scales necessary to weigh the waste, the environmental remediation fee shall be calculated and assessed using a conversion factor calculated as follows:

(a) For compacted loads, the fee shall be one (1) dollar and seventy-five (75) cents for every three (3) cubic yards of waste.

(b) For all other loads, the fee shall be one (1) dollar and seventy-five (75) cents for every five (5) cubic yards of waste.

(3) The owner or operator of the facility shall remit quarterly payments of the environmental remediation fee, accompanied by a completed and signed document entitled "Environmental Remediation Fee Reporting and Submittal Form" (DEP form 5032).

(4) Quarterly payments shall be equivalent to one (1) dollar and seventy-five (75) cents multiplied times the number of tons of waste disposed in the municipal solid waste disposal facility during that quarter. Quarterly payments shall be due on April 30, July 31, October 31, and January 30 of each year.

Section 2. Remittance of the Environmental Remediation Fee By Certain Transfer Stations.

(1) The owner or operator of a transfer station accepting waste for disposal at an out-of-state municipal solid waste disposal facility shall remit to the Kentucky Pride Fund an environmental remediation fee equivalent to one (1) dollar and seventy-five (75) cents per ton of waste to be disposed out-of-state.

(2) The owner or operator of the transfer station shall utilize weigh scales, if available, to determine the tonnage of waste that will be disposed out of state.

(3) If a transfer station collecting the environmental remediation fee does not have adequate scales necessary to weigh the waste, the environmental remediation fee shall be calculated and assessed using a conversion factor calculated as follows:

(a) For compacted loads, the fee shall be one (1) dollar and seventy-five (75) cents for every three (3) cubic yards of waste.

(b) For all other loads, the fee shall be one (1) dollar and seventy-five (75) cents for every five (5) cubic yards of waste.

(4) The owner or operator of the transfer station shall remit payments quarterly, accompanied by a completed and signed document entitled "Environmental Remediation Fee Reporting and Submittal Form" (DEP Form 5032).

(5) Quarterly payments shall be equivalent to one (1) dollar and seventy-five (75) cents multiplied times the number of tons of waste to be disposed at an out-of-state municipal solid waste disposal facility during that quarter.

Quarterly payments shall be due on April 30, July 31, October 31, and January 30 of each year.

Section 3. Incorporation by Reference. (1) The "Environmental Remediation Fee Reporting and Submittal Form", DEP Form 5032, November 2016, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Waste Management, 300 Sower Boulevard, Frankfort, Kentucky 40601, (502) 564-6716, Monday through Friday, 8 a.m. to 4:30 p.m., Eastern Time, excluding state holidays. (29 Ky.R. 1434, Am. 1838, Am. 2277; eff. 3-19-03; TAm eff. 7-8-2016; TAm eff. 12-21-2016.)